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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cabuz et al.

Serial No.: 09/749,171

Examiner: Simkovic, Viktor

Filed: December 27, 2000

Group Art Unit: 281

For: THIN SILICON MICROMACHINED STRUCTURES

Docket No.: H16-26635 (1100.1116101)

TRANSMITTAL SHEET

Box AF

Assistant Commissioner for Patents  
Washington, D.C. 20231

CERTIFICATE UNDER 37 C.F.R. 1.10: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of: EV091135697US, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231 on this 30th day of April, 2003.

By

Lynn Thompson  
Lynn Thompson

We are transmitting herewith the attached:

- [X] Communication in response to Office Communication from Examiner dated April 3, 2003 including:
  - [X] 3 facsimile communications previously sent to Examiner
- [X] Please charge any deficiencies or credit any overpayment in the enclosed fees to Deposit Account No. 50-0413.

John G. Shudy, Jr., Reg. No. 31,214  
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11.02



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cabuz et al.

Serial No.: 09/749,171

Examiner: Simkovic, Viktor

Filed: December 27, 2000

Group Art Unit: 2812

For: THIN SILICON MICROMACHINED STRUCTURES

Docket No.: H16-26635 (1100.1116101)

COMMUNICATION

**Box AF**

Assistant Commissioner for Patents  
Washington, D.C. 20231

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CERTIFICATE UNDER 37 C.F.R. 1.10: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of: EV091135637US, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231 on this 30th day of April, 2003.

By

*Lynn Thompson*  
Lynn Thompson

Dear Sir:

This communication is in response to a USPTO Office  
Communication dated April 3, 2003. The latter communication  
states:

1. [X] The amendment filed on 31 October 2002  
under 37 CFR 1.312 has been considered, and has  
been:
- d) [X] disapproved. See explanation below.

The explanation states:

This amendment makes the same changes as those  
already made in the Examiner's Amendment and  
therefore is moot. This amendment was originally  
intended as a proposed amendment for the  
examiner, but the fax disappeared and did not get

matched with the case until after the Notice of Allowability was mailed.

Significant events of the present prosecution after the 10/10/02 Advisory Action are summarized here. Examiner Simkovic and the applicants' representative had telephone discussions through October 31, 2002, which resulted in agreement on an amendment of claims 1, 14, 20 and 21. With the concurrence of the Examiner, a proposed amendment reflected in the agreed-to claims 1, 14, 20 and 21, was faxed to the Examiner on October 31, 2002, with the changes underlined. A fax report indicated that the fax transmission was successful.

On or about 11/22/2002, the applicants' representative sent a confirmatory communication with a copy of the claims faxed to the Examiner on 10/31/2002.

On or about 12/11/02, A Notice of Allowability dated 11/04/2002 was received by the applicants' representative. This notice indicated that authorization for the Examiner's amendment was given in a telephone interview with the representative on 10/31/02. The Notice stated:

The application was amended as follows:

In claims 1, 14, 20 and 21, insert, after the last line, the limitation ---and wherein at least one portion of said silicon wafer is not connected to another portion of said silicon wafer.---

Cancel claim 22.

On or about 12/26/2002, the applicants' representative called the Examiner and indicated that the limitation mentioned was the one intended for claim 1. The other proposed limitations were a little different for claims 14, 20 and 21. Using the claim 1 limitation for claims 14, 20 and 21 would cause antecedent issues for the latter claims. The Examiner was faxed another copy of the 10/31/02 proposed amendment on or about 12/30/02.

One may note in the proposed amendment that the applicants' limitation for claim 14 stated:

--and wherein at least one portion of said second wafer is not connected to another portion of said second wafer.--

The limitation for claims 20 and 21 stated:

--and wherein at least one portion of said first substrate is not connected to another portion of said first substrate.--

Please note that the following differing limitation terms include "silicon wafer" for claim 1, "second wafer" for claim 14, and "first substrate" for claims 20 and 21.

The Examiner called on or about 01/06/2003 and indicated that the case went to publication and that he would pull it later to enter changes as needed to be consistent with the proposed limitations in claims 1, 14, 20 and 21 faxed to the Examiner on 10/31/02.

On or about 01/22/03, an RCE was sent with a supplemental information disclosure statement.

On or about 03/14/03, a telephone message was received from Joan Dade of 703-308-9616 requesting a clean copy (without the underlining of the limitations) of the amended claims as faxed to the Examiner on 10/31/02. Such copy was faxed to Joan Dade at 703-746-8825 on or about 03/17/03. A fax report indicated that this was a successful fax transmission.

The next communication was one received by the applicants which is the Response to Rule 312 Communication mailed 04/03/2003, which is discussed above in the present communication.

Enclosed are copies of the faxed communications of the claims to the Examiner in October and December, and to Joan Dade in March.

The applicants respectively request that the above noted-claim limitations for each of the claims 1, 14, 20 and 21, respectively, proposed in the amendment faxed to the Examiner on 10/31/2002 be checked for accurate entry in the subject application.

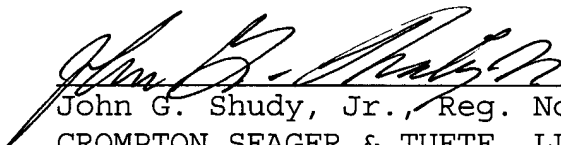
The applicants' representative may be reached at his direct  
telephone number 612-333-1847.

Respectfully submitted,

Cabuz et al.

By their attorney,

Date: 4/30/03

  
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